

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In Re:)	
)	Case No. 22-30154
LAURITA HUFF PLOUGHMAN)	Chapter 13
)	
Debtor.)	

OBJECTION TO CONFIRMATION OF AMENDED CHAPTER 13 PLAN [ECF Doc. No. 40] AND REQUEST FOR ADDITIONAL TIME TO CONDUCT DISCOVERY

Mark and Lisa Metzger (“Metzger”), holders of the largest general unsecured debt against the Debtor, through undersigned counsel, object to the Debtor’s Amended Chapter 13 Plan (the “Amended Plan”). As grounds for their objection, the Court is shown the following:

1. The Court has denied the Debtor’s initial Chapter 13 plan, which provided for a monthly payment of \$1,600.00, which would have ostensibly resulted in a one-percent dividend to the holders of allowed general unsecured claims.
2. The monthly payment was based on the Debtor’s filed Schedules I and J, which show: monthly gross income of \$3,303.94; monthly deductions of \$642.98; take home pay of \$2,660.96; expenses of \$1,020.00; and monthly net income of \$1,640.96.
3. The Amended Plan provides for a monthly plan payment of \$2,465.00 per month, an increase of \$865.00 per month.
4. Undersigned counsel recalls being advised during discussions with Debtor’s counsel that the Debtor was not able to significantly increase her monthly plan payment, and that the Debtor was not able to borrow any funds to increase the dividend to general unsecured creditors.
5. The Debtor has not filed any amended schedules, or provided any documentation or other evidence, showing that the Debtor has the financial ability to make a monthly payment of \$2,465.00.
6. Metzger requests a reasonable amount of additional time after the Debtor’s production of any such evidence to conduct discovery as to the Debtor’s ability to fund the Amended Plan.
7. Based on the schedules and the Debtor’s testimony at a prior hearing, the Debtor is not able to make an increased monthly plan payment. As such, the Amended Plan is not feasible and the Court should deny confirmation of the Amended Plan.

WHEREFORE, Metzger prays that the Court sustain this objection and grants the relief requested herein, together with such other relief as may be equitable.

Dated: November 28, 2022.

THE HENDERSON LAW FIRM

/s/James H. Henderson

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